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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 5 December 1996 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United Nations
addressed to the Secretary-General

I am writing to you in connection with the interim report on extrajudicial, summary or arbitrary executions prepared by Mr. Bacre Waly Ndiaye, Special Rapporteur of the Commission on Human Rights (A/51/457, annex) and have the honour to draw your attention to the following.

The Federal Republic of Yugoslavia has been resolute in its support for the efforts of the United Nations to prevent extrajudicial, summary or arbitrary executions and, to that end, supported the mandate of the Special Rapporteur of the Commission on Human Rights.

However, we consider that the report of the Special Rapporteur would have been much more balanced and accurate if equal attention had been devoted in the part dealing with events in the territory of the former Yugoslavia to all sides in the conflict.

Unfortunately, it is evident that the intention of the Special Rapporteur was to subsume under the crime of genocide the behaviour of only one side in Bosnia and Herzegovina, i.e., the Serbian side, while disregarding the behaviour of the other two sides, the Bosnian Croat and Muslim sides. Therefore, the report has signally failed to provide the right qualification of the massive violations of human rights and international humanitarian law, the victims of which have been the Serbs.

The Special Rapporteur has displayed a singular lack of criticism of Croatia and the Federation of Bosnia and Herzegovina as the report is silent about the mass and systematic crimes committed against the Serbs in Croatia and



the mass and systematic crimes that the Muslims and Croats committed against each other in the territory of the Federation.

In addition to turning a blind eye to these crimes, the Special Rapporteur has been very unselective in defining the notion of ethnic cleansing and in classifying it erroneously as a crime of genocide. His definition cannot be sustained by the norms of international law and, in the case at hand, by the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. The out-of-context invocation of article 2 of the said Convention and the norms of international humanitarian law runs counter to the elementary rules of the interpretation of the Convention and the norms.

The attempt in paragraph 69 of the report to link ethnic cleansing to the said Article of the Convention is wrong and untenable. The observation of the Special Rapporteur in paragraph 68 that "a great reluctance of the international community to use the term 'genocide'" is not rooted, as the Special Rapporteur would like it, in the alleged "reluctance" but in the fact that such a position is contrary to international law, while the prevailing practice of certain political bodies and some United Nations Special Rapporteurs to invest genocide with arbitrary definitions has been politically motivated.

It serves no informative purpose at all that the Special Rapporteur provides no information as to which regions of the former Yugoslavia he visited in the period under review (1992-1996).

We consider particularly deficient the fact that, in describing the events in the territory of the former Yugoslavia, the Special Rapporteur had no recourse to the assessments contained in the relevant reports of the Secretary-General of the United Nations and the Special Rapporteur of the Commission on Human Rights on the situation on human rights in the former Yugoslavia. For the purpose of illustration, we point out that a series of our official documents (E/CN.4/1996/121-128 and 131), on crimes committed against the Serbs in Croatia and Bosnia and Herzegovina were circulated during the fifty-second session of the Commission on Human Rights. It is therefore no surprise that such a perfunctory approach and work have resulted in very biased judgements and inaccurate conclusions.

Ethnic cleansing is a crime against humanity and the authorities of the Federal Republic of Yugoslavia have been consistent in condemning it irrespective of the nationality of perpetrators and victims during the entire period of the conflict.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly under agenda item 110 (b).

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 10 December 1996 from the Permanent Representative
of Turkmenistan to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you herewith the text of the statement by the President of Turkmenistan, Saparmurat Niyazov, in connection with the first anniversary of the adoption of General Assembly resolution 50/80 A on the permanent neutrality of Turkmenistan (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly.

(Signed) Aksoltan ATAIEVA
Permanent Representative



ANNEX

Statement of 12 December 1996 by the President of Turkmenistan
in connection with the first anniversary of the adoption of
General Assembly resolution 50/80 A on the permanent
neutrality of Turkmenistan

One year ago, on 12 December 1995, a historic event took place in the life of independent Turkmenistan: the United Nations General Assembly unanimously adopted resolution 50/80 A on the permanent neutrality of Turkmenistan. Its adoption was recognition by the community of nations of the peace-loving foreign policy of Turkmenistan and its constructive role in international affairs.

The permanent neutrality of Turkmenistan, which has become a basic strategic principle of its foreign policy, is the most acceptable approach for Turkmenistan in pursuing its national interests and is in keeping with the country's historical, geopolitical and ethno-cultural realities. It reflects the openness, peaceableness and readiness for dialogue of the Turkmen people. These national qualities are intricately woven into the fabric of Turkmen foreign policy doctrine and have become its distinctive traits.

Today, on the first anniversary of the adoption of the historic General Assembly resolution, Turkmenistan confirms its strict compliance without any time limit with all international obligations resulting from its neutral status and its commitment to the principles and provisions of the Charter of the United Nations and other basic international legal documents.

Fully aware of its responsibility to the world community, Turkmenistan has taken concrete steps to implement its legislation in accordance with lofty international standards and establish in the country structures ensuring the observance and protection of such basic values common to all mankind as democracy and human rights. In the past year, Turkmenistan adopted a constitutional law on permanent neutrality and a declaration on the international obligations of neutral Turkmenistan in the field of human rights, and set up a national institute for democracy and human rights, which received the support and approval of State and public organizations in various countries. In accordance with the Constitution and the obligations that it has undertaken, there are no military bases or military units of foreign States, blocs or alliances in the territory of Turkmenistan and it has not joined any military or military-political associations or alliances or other organizations with rigidly regulated functions.

Turkmenistan actively carries out peacemaking activities in the region. Three rounds of the ongoing inter-Tajik talks were held under United Nations auspices in Ashgabad, and Turkmenistan stated its readiness to organize in its territory the holding of a broad inter-Afghan round table with the participation of all parties to the conflict. The decision to hold an international forum on Afghanistan in Ashgabad on 21 and 22 January 1997 confirms the high degree of confidence on the part of the United Nations in Turkmenistan's constructive foreign policy aimed at stabilizing the situation in that part of the world.

On the anniversary of the adoption of the General Assembly resolution, Turkmenistan, expressing its appreciation to the entire community of nations and each State individually and the Secretary-General for the support provided, states that it will continue to follow strictly the path of neutrality and the development of cooperation and friendly, equitable relations with all States throughout the world. On this day, the flags of the United Nations and all its Member States will be raised on the main square of Turkmenistan's capital as confirmation of the fact that the world community will have a reliable partner in neutral, democratic Turkmenistan.

Saparmurat NIYAZOV
President of Turkmenistan
